

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

RANDY E. BLODGETT §
VS. § CIVIL ACTION NO. 1:11cv109
M. MARTIN §

**MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Petitioner Randy E. Blodgett, an inmate confined within the Bureau, proceeding *pro se*, filed the above-styled petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court previously referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont Texas, for consideration pursuant to applicable orders of this court. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The Magistrate Judge recommends the petition be denied.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. Petitioner filed objections to the Magistrate Judge's Report and Recommendation. The court must therefore conduct a *de novo* review of the objections.

After carefully considering the objections filed by the petitioner, the court is of the opinion the Magistrate Judge correctly determined that as petitioner has not satisfied the requirements set forth in *Reyes-Requena v. United States*, 243 F.3d 893 (5th Cir. 2001), he may not challenge his conviction or sentence in a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is

ADOPTED. A final judgment shall be entered denying the petition.

So **ORDERED** and **SIGNED** this **27** day of **May, 2011**.



Ron Clark, United States District Judge